Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	File No. EB-10-TC-396
	)	
Lyca Tel, LLC	)	NAL/Acct. No. 201132170026
	)	
Apparent Liability for Forfeiture	)	FRN: 0014210983
	)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: August 26, 2011 **Released: September 1, 2011**

By the Commission:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture ("NAL"), we find that Lyca Tel, LLC ("Lyca Tel" or "Company")[1] has apparently willfully and repeatedly violated section 201(b) of the Communications Act of 1934, as amended ("Communications Act" or "Act"),[2] by deceptively marketing prepaid calling cards. Based upon our review of the facts and surrounding circumstances, Lyca Tel appears to target its marketing to immigrants with claims that, for a card costing just a few dollars, buyers can make hundreds of minutes of calls to their native countries – when in fact, for that price, they will be able to use only a fraction of those minutes, due to Lyca Tel's assessment of multiple fees and surcharges that are not clearly and conspicuously disclosed to consumers. Accordingly, we find Lyca Tel, LLC has apparently violated section 201(b) of the Act, and is apparently liable for a proposed forfeiture in the amount of five million dollars ($5,000,000).

II. BACKGROUND

2. A prepaid calling card is a retail product for which the consumer pays a specific dollar amount and which enables that customer to make domestic and/or international telephone calls. Such cards are frequently marketed to immigrant communities for calling a variety of international destinations and are especially popular with these communities, where many depend on prepaid calling cards to stay in touch with family and friends in their home countries. The cards are typically sold at retail in denominations of $2, $3, and $5 at newsstands and in grocery and convenience stores. Companies often market prepaid cards under a variety of brand names and advertise them to consumers primarily using posters displayed in retail locations, and in some cases, through radio and television advertising.

[1] Lyca Tel is a New Jersey limited liability company, whose principal address is 570 Broad Street, Suite 301, Newark, NJ 07102. WWW Holding Company Limited (an English registered company) and Subaskaran Allirajah, a British national, are listed by Lyca Tel as members. Somasuntharam Thayaparan, Chief Operating Officer; Radha Chrishnam Kadamban, Manager; Vijayaraj Rqaviaj, Manager; and Somasuntharam Thayaoaran, Manager are listed as contact persons for Lyca Tel, LLC. Accordingly, all references in this NAL to "Lyca Tel" also encompass the foregoing company and individuals, and all other principals and officers of Lyca Tel.

[2] 47 U.S.C. § 201(b).

3. The Enforcement Bureau began its investigation of Lyca Tel by directing a letter of inquiry to the Company requesting information and documents relating to its prepaid calling card services.[3] According to its initial response,[4] Lyca Tel is a de-tariffed common carrier that provides retail telecommunications services via prepaid calling card services for sale through channel merchant distribution and online.[5] Lyca Tel establishes the rates for its calling cards, including the rate at which minutes are deducted from the cards.[6] Lyca Tel sells its calling cards through wholesale channels and local point of sale merchants.[7] The retail vendors sell the cards to consumers using marketing posters that Lyca Tel designs and distributes.[8]

4. As part of its response, Lyca Tel provided samples of the posters and calling cards it sold in 2010 and 2011.[9] A typical poster designed and distributed by Lyca Tel includes the name of the calling card (*e.g*., "Latino Calendar," "Director," "Africa Target," and "Africa Calendar"), the name of the telecommunications provider whose network carries the calls, and representations about the number of minutes a consumer will receive when calling various countries and/or cities.[10] The number of calling minutes listed on Lyca Tel's posters usually appears in large font size and bright colors.[11] Additionally, some posters contain a large box listing various calling destinations, along with the number of calling minutes a consumer will receive to those destinations using the advertised calling card of a specified dollar value (*e.g*., Mexico City 400 Minutes $2; Peru, Lima 300 Minutes $2, Argentina, Buenos Aires 1188 Minutes $5). Appearing on the bottom of the posters is a disclosure in very small font size relating to certain fees and surcharges that may apply when using the cards, including connection and disconnection fees, daily maintenance fees and other fees assessed when using toll-free access numbers or calling from payphones.

5. Lyca Tel's calling cards themselves generally come in two parts: a top portion (or "hang tag") and a bottom portion, the size of a credit card, that can be separated from the top. The front of the cards identifies the name of and value of the card (*e.g*., $2, $5). The back of the top portion of the cards includes a disclosure about fees—the same disclosure that typically appears on its posters. For example, the disclosure on Lyca Tel's $5 Director calling card reads as follows:

> Use through local access numbers will result in lower charges from the Card than calls made from Toll Free numbers via the Card. Maximum maintenance charge of $0.95 may be applied the 2nd day after the first use & thereafter every 7 days until the Card is

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[3] *See* Letter from Colleen Heitkamp, Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission, to Lyca Tel, LLC, April 2, 2010 ("LOI").

[4] *See* Letter from Edward A. Maldonado, Esq., Counsel for Lyca Tel, LLC to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, May 17, 2010 ("*Response*").

[5] *See id* at 2.

[6] See *id* at 4.

[7] *See id* at 2.

[8] *See id* at 5.

[9] *See, e.g.,* email from Edward A. Maldonado, Esq., Counsel for Lyca Tel, LLC to David Marks, Federal Communications Commission, April 20, 2011, attachment, Director poster ("*Third Supplemental Response*"). *See also Response*, included posters.

[10] *See Third Supplemental Response,* attachment, Latino Calendar poster, Director poster, Africa Target poster, and Africa Calendar poster.

[11] *See id.*

> consumed or expires. Maximum charge [of] $0.95 may be applied per call. Use from a public telephone may result in a charge up to $0.99 per call. Higher rates apply to calls to premium, not geographical mobile and international telephone numbers, including international Cellular & international wireless.[12]

The back of the bottom portion of the card includes directions on how to use the card, and a series of local access numbers, a toll-free access number, a customer service number, and the expiration date.

III. DISCUSSION

A. Apparent Violation of Section 201(b) of the Act

6. Section 201(b) of the Act states, in pertinent part, that "[a]ll charges, practices, classifications, and regulations for and in connection with [interstate or foreign] communication service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is declared to be unlawful."[13] The Commission has found that unfair and deceptive marketing practices by interstate common carriers constitute unjust and unreasonable practices under section 201(b).[14] A practice that "convey[s] insufficient information as to the company's identity, rates, practices, and range of services" may constitute a violation of section 201(b).[15] Thus, a carrier that fails sufficiently to convey material information, such as rates, about its prepaid calling card services violates section 201(b) of the Act.

7. We find that Lyca Tel has apparently violated section 201(b) of the Act because it deceptively represents that buyers of its cards can use hundreds if not thousands of minutes to make calls to foreign countries for just a few dollars. In truth and in fact, buyers can use only a fraction of those minutes for calls, because Lyca Tel applies a variety of fees and surcharges that quickly deplete the card. Lyca Tel purports to disclose these fees and surcharges, but the fine print "disclosures" contradict the express and much more prominent claims in the main portion of the marketing materials. Moreover, even if the disclosures of the various fees and surcharges were not contradictory, they are in small print and not clear or conspicuous in relation to the claim of total available minutes that the disclosure is intended to modify, and the disclosure otherwise "convey[s] insufficient information as to the company's identity, rates, practices, and range of services."[16]

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[12] *See, e.g.,* email from Edward A. Maldonado, Esq., Counsel for Lyca Tel, LLC to David Marks, Federal Communications Commission, March 17, 2011, attachment, Director calling card ("*Second Supplemental Response*").

[13] 47 U.S.C. § 201(b).

[14] *See, e.g., NOS Communications, Inc.*, Notice of Apparent Liability for Forfeiture, 16 FCC Rcd 8133 (2001) ("*NOS*") (finding that the companies engaged in deceptive marketing of their interstate communication services by failing to disclose clearly and conspicuously material facts regarding their promotional plan offerings and pricing methodology, in violation of section 201(b)); *Business Discount Plan, Inc.*, Order of Forfeiture, 15 FCC Rcd 14461 (2000) ("*BDP*"), *recon. granted in part and denied in part*, 15 FCC Rcd 24396 (2000) (finding that the company violated section 201(b) by using unjust and unreasonable telemarketing practices such as misrepresenting the nature of its service offerings);,*Telecommunications Research & Action Center & Consumer Action*, Memorandum Opinion and Order, 4 FCC Rcd 2157 (Com.Car.Bur. 1989) ("*TRAC*") (recognizing that section 201(b) provides a cause of action against carriers for failing to convey sufficient information about their rates, practices and range of services). *See also* Joint FCC/FTC Policy Statement For the Advertising of Dial-Around And Other Long Distance Services To Consumers, 15 FCC Rcd 8654 (2000) ("*Joint Advertising Statement*").

[15] *See TRAC*, 4 FCC Rcd at 2159. The full Commission has approvingly cited this passage from *TRAC* as indicating that such conduct violates section 201(b) of the Act. *BDP*, 15 FCC Rcd at 14469.

[16] *TRAC*, 4 FCC Rcd at 2159.

8. Lyca Tel uses posters displayed in retail locations as its primary vehicle for marketing its prepaid calling card services to consumers. As indicated above, Lyca Tel represents on its posters that consumers who purchase its cards will receive a specified number of calling minutes to specific countries or cities for a set price (*e.g*., "Mexico City 400 Minutes $2; Argentina, Buenos Aires 1188 Minutes $5"). Although Lyca Tel's prepaid cards are often marketed as providing hundreds of minutes, the total number of minutes actually received by the consumer is significantly less once the various fees are applied, and if the consumer attempts to use the card to make multiple calls.[17]

9. Lyca Tel's marketing materials and cards make certain disclosures about these fees, but they conflict with the express statements of how many calling minutes are available, and they are not adequate to counter the express and otherwise unqualified claim that consumers will be able to make hundreds of minutes of calls for the marketed rate. As a preliminary matter, the font size of the advertised minutes and rate information completely dwarfs the disclosure.[18] As described above, Lyca Tel's posters typically advertise the number of calling minutes offered to certain countries in large, colorful, simple text, which is prominently displayed at the top or center of the poster. This information is not qualified in any way; *i.e.,* there is no suggestion that the consumer will receive "up to" the specified number of minutes, and no indication that the consumer must read the small print at the bottom in order to determine what he or she is actually purchasing. The main part of the poster stands in stark contrast to the disclosures regarding additional fees and surcharges, which is at the bottom of the posters in significantly smaller type and easily overlooked.[19] While this same language is usually printed on the top portion (or "hang tag") of Lyca Tel's cards, it is similarly printed in extremely small font and difficult to read. Further, because the calling card is meant to be torn away from the hang tag for ease of carrying the card in a wallet and customer use, the disclosures on the hang tag afford the consumer little information at the actual point of use.[20] Disclosures in fine print and in materials that reasonable consumers may not read or use are ineffective to ensure that consumers have an accurate and informed understanding of an advertising claim.[21] We therefore conclude that Lyca Tel's disclosures are not clear and conspicuous to the average consumer.

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[17] A card is exhausted when either its face value has been used up (*e.g.*, $2), or when all of the available minutes have been used. For a discussion of how the fees may impact the value of the card as it is used, *see infra* ¶ 13.

[18] Both academic research and the Commission's experience with consumer issues have demonstrated that the manner in which providers display material information, including the charges, classifications, and terms of use, can have as much impact on a consumer's decision to make a purchase as the information itself. *See generally* Colin Camerer, Samuel Issacharoff, George Loewenstein, Ted O'Donoghue & Matthew Rabin, *Regulation for Conservatives: Behavioral Economics and the Case for "Asymmetric Paternalism,"* 151 U. PENN. L. REV. 1211 (2003) (surveying regulatory strategies to address problems arising from systematic errors in consumer decision-making); Richard H. Thaler and Cass R. Sunstein, NUDGE, Yale University Press 2008 (concluding that information buried deep in the "fine print" is far less useful to consumers than information displayed clearly and prominently). *See also Joint Advertising Statement*, 15 FCC Rcd at 8654-55 (finding that if consumers are deceived by advertising claims, they cannot make informed purchasing decisions); *Truth-in-Billing and Billing Format*, First Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 7492 (1999) (noting that the proper functioning of competitive markets is predicated on consumers having access to accurate, meaningful information in a format that they can understand).

[19] *See supra* note 9.

[20] *See, e.g.*, Director calling card, *Second Supplemental Response*, attachment.

[21] *Joint Advertising Statement*, 15 FCC Rcd at 8663 (noting that prominence, proximity, and placement of disclosure in comparison to advertising representation affect effectiveness of disclosure); *id*. at 8659 (noting that disclosure about limitations on advertised long-distance rate likely ineffective when advertised rate appeared on peel-off stickers, without disclosure, that consumers were supposed to put on telephones).

10. Additionally, even if Lyca Tel's disclosures were more prominent, we find that they do not provide the information necessary for a consumer to determine what fees apply, the amounts of those fees, and when and how they will affect the number of calling minutes offered. To illustrate this point, we use the disclosure in paragraph 5 above on the poster for Lyca Tel's $2 Director Prepaid Phone Card, which is typical of the disclosures found in Lyca Tel's marketing materials. First, despite advertising on its posters a specific number of minutes for a set price, Lyca Tel includes a disclosure that "a maximum maintenance charge of $0.95 may be applied the 2nd day after the first use & thereafter every 7 days until the Card is consumed or expires and a maximum charge of $0.99 will be applied per call."[22] There is no meaningful explanation of how the range of charges relates to the initial advertised rate or how it is applied. The explanation of the range of fees and variety of other terms, conditions, and charges is so vague that it is impossible for a consumer to know when purchasing the prepaid card what fees will actually apply or how the fees will impact the number of calling minutes received. Thus, the disclosures are not in the "clear and unambiguous language" that the Commission has said is needed to ensure that they are effective.[23] Even if the maximum post-call fees were not charged, because Lyca Tel's disclosure only contains a range of possible fees, it would be impossible for the consumer to determine *at the point of sale* what amount will apply to each destination.

11. We also find Lyca Tel's description of fees associated with using 800 access numbers unclear and misleading. Lyca Tel's disclosures state that "[u]se through local access numbers will result in lower charges than calls made from toll free numbers via the Card."[24] The cards and posters do not specify what higher charges a consumer will incur using a toll free number. In addition, Lyca Tel highlights its 800 access number in bold, effectively encouraging the consumer to dial that number to access service, rather than dial the local access numbers provided.[25] Given that a typical consumer would expect the 800 access number, like other 800 numbers, to be toll-free, this lack of clarity is particularly misleading. We therefore find that Lyca Tel does not convey sufficient information about its rates for the use of its 800 access numbers.

12. According to Lyca Tel, customers at all times receive "a voice prompt giving the number of minutes they can expect from their call."[26] Voice prompts, however, are inadequate to inform consumers *at the point of sale* about the possible reduction in the number of advertised minutes, the circumstances under which those minutes will not be received, or how to calculate the actual number of minutes provided. We, therefore, find that Lyca Tel's voice prompts are inadequate to inform consumers fully about the possible reduction in the number of advertised minutes, the circumstances under which those minutes will not be received, or how to calculate the actual number of minutes provided.

13. To give context to why these disclosures are inadequate and the extent of the gulf between a consumer's reasonable expectation (based on Lyca Tel's marketing materials) and the consumer's actual experience (based on application of Lyca Tel's surcharges), consider the card that one of Lyca Tel's posters advertises as offering 400 minutes to Mexico City for $2.[27] If a consumer makes a

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[22] *See* Director calling card, *Second Supplemental Response*, attachment.

[23] *Joint Advertising Statement*, 15 FCC Rcd at 8662.

[24] *See, e.g.* Director calling card, *Second Supplemental Response*, attachment.

[25] Dialing a local access number could result in charges to the consumer by the consumer's telephone company (if, for example, the number was a regional toll number), but would not reduce the available minutes on the card.

[26] Letter from Edward A. Maldonado, Esq., Counsel for Lyca Tel, LLC to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, September 15, 2010 at 3 ("*Supplemental Response*").

[27] *See* Director calling card, *Second Supplemental Response*, attachment.

30-minute call to Mexico City, one would reasonably expect that there would be 370 minutes remaining on the card. However, the card disclosure suggests that once the initial call is completed, a maximum maintenance charge of $0.95 may be applied the 2nd day after the first call and a maximum charge of $0.99 will be applied per call. Thus, two days after a 30-minute call, potential post-call charges of $1.94 would exhaust a card that was advertised to provide 400 minutes.[28] According to Lyca Tel, "[a]nnounced minutes are based on use of entire card in a single call."[29] In other words, the only possible way a consumer could use all of the 400 advertised minutes would be to make a single 6 hour 40 minute call from a local access number – a duration so lengthy as to make such calls highly improbable by the typical consumer.

14. Information regarding the existence, amount, and application of fees that affect the value of a calling card is material to consumers when deciding to purchase cards. The failure to provide such information clearly and conspicuously, because it deprives customers of material information needed to make a purchasing decision, is a deceptive marketing practice. As the Commission stated in *NOS*,[30] if a consumer must take a series of complicated and confusing steps to try to calculate the charges and calling time based on the disclosure provided, such disclosure almost certainly would be misleading to consumers. Such a practice, then, would be unjust and unreasonable under section 201(b).

15. We find that the marketing materials used by Lyca Tel to sell its prepaid calling cards are misleading and deceptive regarding the rates and charges applicable to its service offerings. In addition, we find that Lyca Tel failed to disclose, in any meaningful way, material information about its rates, charges and practices at the point of sale, resulting in substantial harm to consumers who purchased its prepaid calling cards. Accordingly, we find that Lyca Tel has apparently engaged in unjust or unreasonable marketing practices in violation of section 201(b) of the Act.

B. Proposed Forfeiture Pursuant to Section 503(b) of the Act

16. Section 503(b)(1) of the Act states that any person who willfully or repeatedly fails to comply with any provision of the Act or any rule, regulation, or order issued by the Commission, shall be liable to the United States for a forfeiture penalty.[31] Section 503(b)(2)(B) of the Act authorizes the Commission to assess a forfeiture of up to $150,000 for each violation, or each day of a continuing violation, up to a statutory maximum of $1,500,000 for a single act or failure to act by common carriers.[32] In determining the appropriate forfeiture amount, we consider the factors enumerated in section 503(b)(2)(E) of the Act, including "the nature, circumstances, extent and gravity of the violation, and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."[33] Although the forfeiture guidelines do not establish a forfeiture amount for unjust or unreasonable practices, such as deceptive marketing practices, the

[28] The imputed cost of a 30-minute call at $.005 per minute (200 cents/400 minutes) would be $0.15.

[29] *See e.g.* Director calling card, *Second Supplemental Response*, attachment.

[30] *See NOS*, 16 FCC Rcd at 8138 (2001).

[31] 47 U.S.C. § 503(b)(1)(B). *See also* 47 C.F.R. § 1.80(a)(2).

[32] 47 U.S.C. §503(b)(2)(B). *See also* 47 C.F.R. § 1.80(b)(2). In 2008, the Commission amended section 1.80(b)(2) of the rules, 47 C.F.R. § 1.80(b)(2), to increase the maximum forfeiture amounts in accordance with the inflation adjustment requirements contained in the Debt Collection Improvement Act of 1996, 28 U.S.C. § 2461. *See Amendment of Section 1.80 of the Commission's Rules and Adjustment of Forfeiture Maxima to Reflect Inflation*, Order, 23 FCC Rcd 9845, 9847 (2008) (adjusting the maximum statutory amounts for common carriers from $130,000/$1,300,000 to $150,000/$1,500,000).

[33] 47 U.S.C. § 503(b)(2)(E).

guidelines do state that, ". . . any omission of a specific rule violation from the. . . [forfeiture guidelines]. . . should not signal that the Commission considers any unlisted violation as nonexistent or unimportant."[34] The Commission retains the discretion to depart from the guidelines and issue forfeitures on a case-by-case basis, under its general forfeiture authority contained in section 503 of the Act.[35]

17. In *NOS*, the Commission found that unfair and deceptive marketing practices by interstate common carriers constitute unjust and unreasonable practices within the meaning of section 201(b) of the Act,"[36] and concluded that each instance of such practices constituted a separate violation of section 201(b). The Commission noted that it had previously assessed a forfeiture amount of $40,000 for each instance in which a carrier engaged in an unjust and unreasonable telemarketing practice in violation of section 201(b).[37] It explained, however, that "a straightforward application of a $40,000 base forfeiture amount would likely produce a proposed forfeiture in the millions of dollars."[38] Rather, taking into account the number of violations attributed to the two companies involved in the case, the Commission determined that a $500,000 forfeiture amount per company was sufficient to protect the interests of consumers and to deter future violations of the Act.[39]

18. We find that each card that Lyca Tel marketed using deceptive advertising constitutes an independent unjust and unreasonable practice, and thus a separate and distinct apparent violation of section 201(b) of the Act.[40] Given the thousands of cards that Lyca Tel appears to have marketed, there is an extensive number of apparent violations in this case for which the Commission is empowered to propose a penalty.[41] While the proposed forfeiture is higher than the proposed forfeiture in *NOS*, weighing the facts before us, and taking into account the extent and gravity of Lyca Tel's egregious conduct, as well as its culpability and information in the current record about its revenues, we find that a total proposed forfeiture amount of $5,000,000 is appropriate under the specific circumstances of this case.[42] The proposed forfeiture clearly must protect the interests of consumers and serve as an adequate deterrent. A lesser penalty would be inappropriate in light of Lyca Tel's failure to adequately provide material information about its rates to thousands of consumers who purchased the Company's prepaid

[34] *See Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate Guidelines*, Report and Order, 12 FCC Rcd 17087, 17099, ¶ 22 (1997) ("*Forfeiture Policy Statement*"); *recon. denied*, 15 FCC Rcd 303 (1999).

[35] *Id.*

[36] *See NOS,* 16 FCC Rcd at 8133, 8142.

[37] *See id.* at 8141-8142 (*citing Business Discount Plan, Inc.*, Apparent Liability for Forfeiture, 15 FCC Rcd 14461 at 14471-72 (2000)).

[38] *Id.* at 8142.

[39] *See id.*

[40] In *NOS*, the Commission found that "each rate sheet sent to consumers constitutes a separate violation of section 201(b)." *NOS,* 16 FCC Rcd at 8133. Consistent with *NOS*, we find that the marketing of each card to consumers constitutes a separate apparent violation of section 201(b). *See also BDP*, 15 FCC Rcd at 14471-72 (assessing a forfeiture amount of $40,000 for each instance in which the carrier engaged in an unjust and unreasonable telemarketing practice in violation of section 201(b)).

[41] Lyca Tel represents that it is the global market leader in the prepaid international calling card market present in 16 countries worldwide. It has 9 million customers and originates and terminates over 1.6 billion minutes of voice traffic per month and completes over 2.9 million voice calls per day. *See* Lyca Tel About Us, http://www.lycatel.com/AboutUs.aspx (last visited May 27, 2011).

[42] The $5 million penalty we propose is equivalent to applying a $40,000 penalty to only 125 apparent violations that occurred within one year of this NAL.

cards. Moreover, in determining the amount of a proposed penalty, we seek to "guarantee that forfeitures issued against large or highly profitable entities are not considered merely an affordable cost of doing business.[43] In the event Lyca Tel continues to engage in conduct that apparently violates section 201(b)'s prohibition against unjust and unreasonable practices, such apparent violations could result in future NALs proposing substantially greater forfeitures and revocation of Lyca Tel's operating authority. Other prepaid calling card providers are also on notice that practices such as those engaged in by Lyca Tel are unjust and unreasonable, and that we may propose more significant forfeitures in the future as high as is necessary, within the range of our statutory authority, to ensure that such companies do not engage in deceptive marketing practices.

IV. CONCLUSION

19. We have determined that Lyca Tel, LLC apparently violated section 201(b) of the Act. We have further determined that Lyca Tel, LLC is apparently liable for a forfeiture in the amount of five million dollars ($5,000,000).

V. ORDERING CLAUSES

20. Accordingly, **IT IS ORDERED** that, pursuant to section 503(b)(2)(B) of the Communications Act of 1934, as amended, 47 U.S.C. § 503(b)(2)(B), and section 1.80 of the Commission's rules, 47 C.F.R. § 1.80, Lyca Tel, LLC is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR FORFEITURE** in the amount of $5,000,000, for willful and repeated violations of section 201(b) of the Act, 47 U.S.C. § 201(b).
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21. **IT IS FURTHER ORDERED** that, pursuant to section 1.80 of the Commission's rules,[44] within thirty (30) days of the release date of this Notice of Apparent Liability for Forfeiture, Lyca Tel, LLC **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

22. Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Account Number and FRN referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code). Lyca Tel, LLC will also send electronic notification to Johnny.Drake@fcc.gov on the date said payment is made. Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures.

23. The response, if any, must be mailed both to: Marlene H. Dortch, Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554, ATTN: Enforcement Bureau – Telecommunications Consumers Division; and to Richard A. Hindman, Division Chief,

[43] *See supra* note 41. *See also Forfeiture Policy Statement* 12 FCC Rcd 17087, 17099.

[44] 47 C.F.R. § 1.80.

Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554, and must include the NAL/Acct. No. referenced in the caption. Documents sent by overnight mail (*other than* United States Postal Service Express Mail) must be addressed to: Marlene H. Dortch, Secretary, Federal Communications Commission, Office of the Secretary, 9300 East Hampton Drive, Capitol Heights, MD 20743. Hand or messenger-delivered mail should be directed, without envelopes, to: Marlene H. Dortch, Secretary, Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Washington, DC 20554 (deliveries accepted Monday through Friday 8:00 a.m. to 7:00 p.m. only). See www.fcc.gov/osec/guidelines.html for further instructions on FCC filing addresses.

24. The Commission will not consider reducing or canceling a proposed forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

25. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by Certified Mail Return Receipt Requested and First Class mail to Lyca Tel, LLC, Attention: Somasuntharam Thayaparan, Chief Operating Officer; Radha Chrishnam Kadamban, Manager, Vijayaraj Rqaviaj; Manager, and Somasuntharam Thayaoaran, Manager, 570 Broad Street, Suite 301, Newark, NJ 07102, and to Edward A. Maldonado, Counsel for Lyca Tel, LLC, 3399 NW 72nd Ave, Suite 216, Miami FL 33122

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary